IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2414 OF 2003.
IN
SUIT NO. 2611 OF 2003

M/s. D.R. Agencies.] .. Plaintiffs

Versus

M/s. N.K. Agencies.] .. Defendants

None for the plaintiffs.

None for the defendants.

CORAM: ANOOP V. MOHTA, J.

DATED: 12TH SEPTEMBER, 2005

P.C. :

1. This Notice of Motion has been taken out by the plaintiffs for grant of injunction against the defendants restraining the defendants from using the mark of the plaintiffs viz. "Garment Pin". By order dated 25th August, 2003, however, no ad-interim relief was granted. Therefore, the mark in question has been in use without any obstruction since long. The rejection of ad-interim order in the present case is sufficient to dismiss the present Notice of Motion.

There is no sufficient pleading and material on the record to grant prayers in question.

2. The missing particulars are: (i) Prior use. (ii) Prior registration. (iii) Continuous and actual use with supporting material. (iv) Marketing of the mark. (v) Defendants use of disputed mark "Garment Pin". (vi) Urgency. (vii) Injuries and damages, if any. (viii) Other elements of grant of injunction in such matter.

3. Matter was on Board on Friday 9th September, 2005. The matter was called out twice today. None appeared for the plaintiffs. However, considering the above observation, this Notice of Motion is dismissed.

[ANOOP V. MOHTA, J.]

[srpasha@hc]